

United States District Court
Southern District of Texas
ENTERED

OCT 04 2001

Michael N. Milby, Clerk of Court
By Deputy Clerk 

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

EDWARD ALCALA, et al.,

Plaintiffs,

VS.

ALEX PEREZ, in his official capacity as
Sheriff of Cameron County, Texas and
Cameron County, Texas,

Defendants.

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CIVIL ACTION NO. **B-96-203**

FINAL JUDGMENT

On this 26th day of September, 2001, this case came on for non jury trial. The Parties announce that over the past year settlement has been reached as to all Plaintiffs except Francisco Gonzalez, SSN 464-13-0086, and Abel G. Garcia, SSN 449-94-9319, and a motion to dismiss will be filed before judgment is signed. Plaintiffs Gonzalez and Garcia were present and represented by George P. Powell. Defendant Cameron County was present and represented by Richard O. Burst.

The parties have stipulated that during the period relevant to this suit, Plaintiff Francisco Gonzalez, and Plaintiff Abel G. Garcia, jail lieutenants, each actually worked four hundred hours in excess of their normal work periods as defined in the Fair Labor Standards Act. If they are non exempt employees they would each be entitled to six hundred hours overtime at \$11.57 per hour. Defendant did not agree or stipulate that the two remaining Plaintiffs, Lieutenants in the County Jail, are Fair Labor Standards Act, nonexempt, employees.

On August 13, 2001, this Court issued an Order denying Defendant's Partial Motion for Summary Judgment on the issue of executive, administrative, and professional exemption contained

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in 29 U.S.C. Sec. 213(a)(1) as applied to Cameron County Jail Lieutenants. The Court, therein, made findings of fact and conclusions of law regarding the issue of Section 213(a)(1) exemptions. Plaintiffs Francisco Gonzalez and Abel G. Garcia are two of the four Cameron County Jail Lieutenants referenced in the August 13th Order.

Based on the stipulations of the parties as to the amount and the findings of fact and conclusions of law previously made, IT IS ORDERED that this case be dismissed with prejudice as to all Plaintiffs except Francisco Gonzalez and Abel G. Garcia, and that they each have judgment for Six Thousand, Nine Hundred, and Forty-Two Dollars against Defendant Cameron County, Texas (including Alex Perez in his official capacity only).

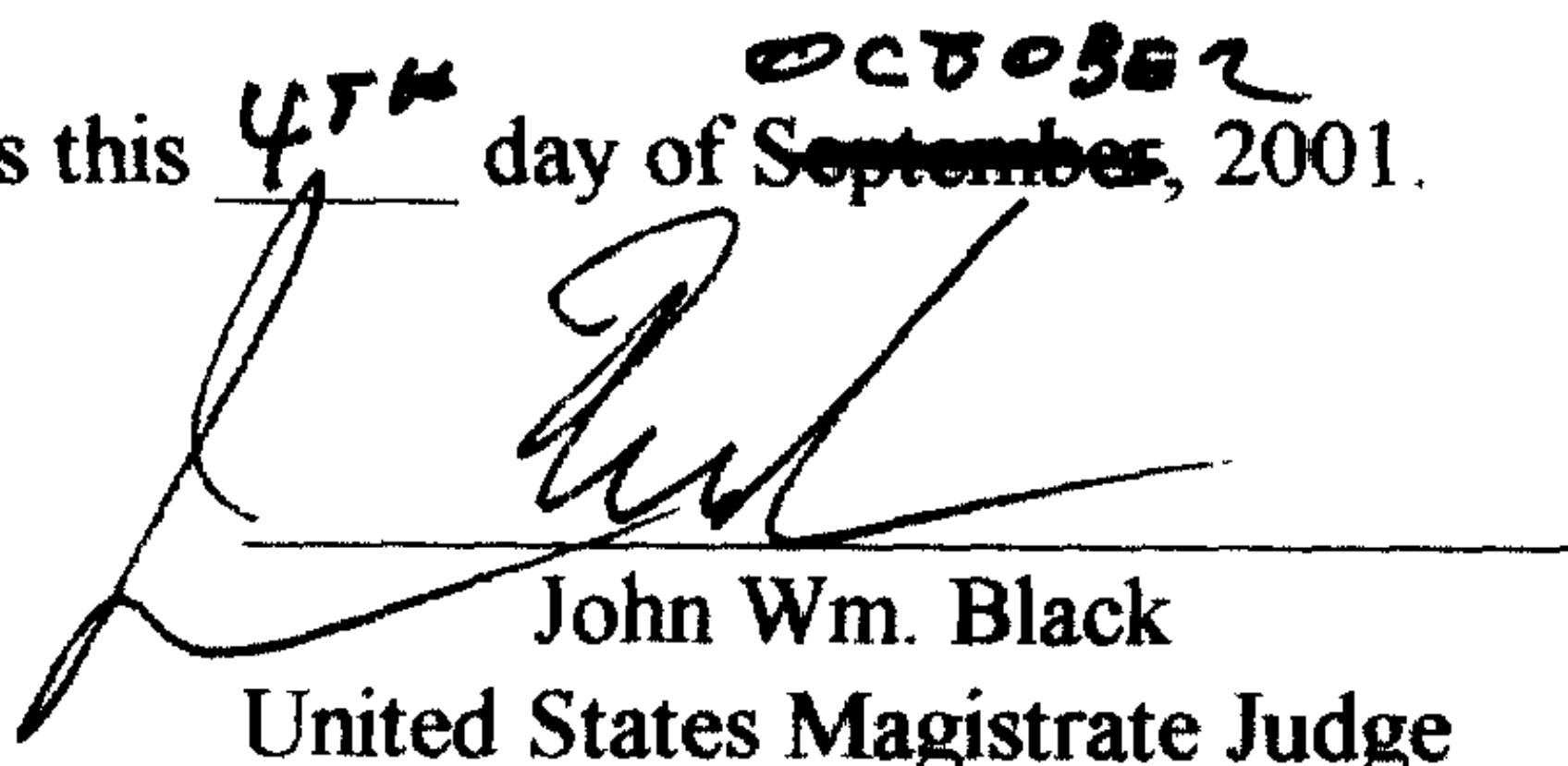
Plaintiffs requested reasonable attorney fees for preparation for this hearing and filed an affidavit proving attorney fees in the amount of \$1,750.00. The Court ORDERS Defendant to pay Plaintiff \$1,750.00 for attorney fees.

The Court DENIES all relief not granted in this judgment.

This is a FINAL JUDGMENT.

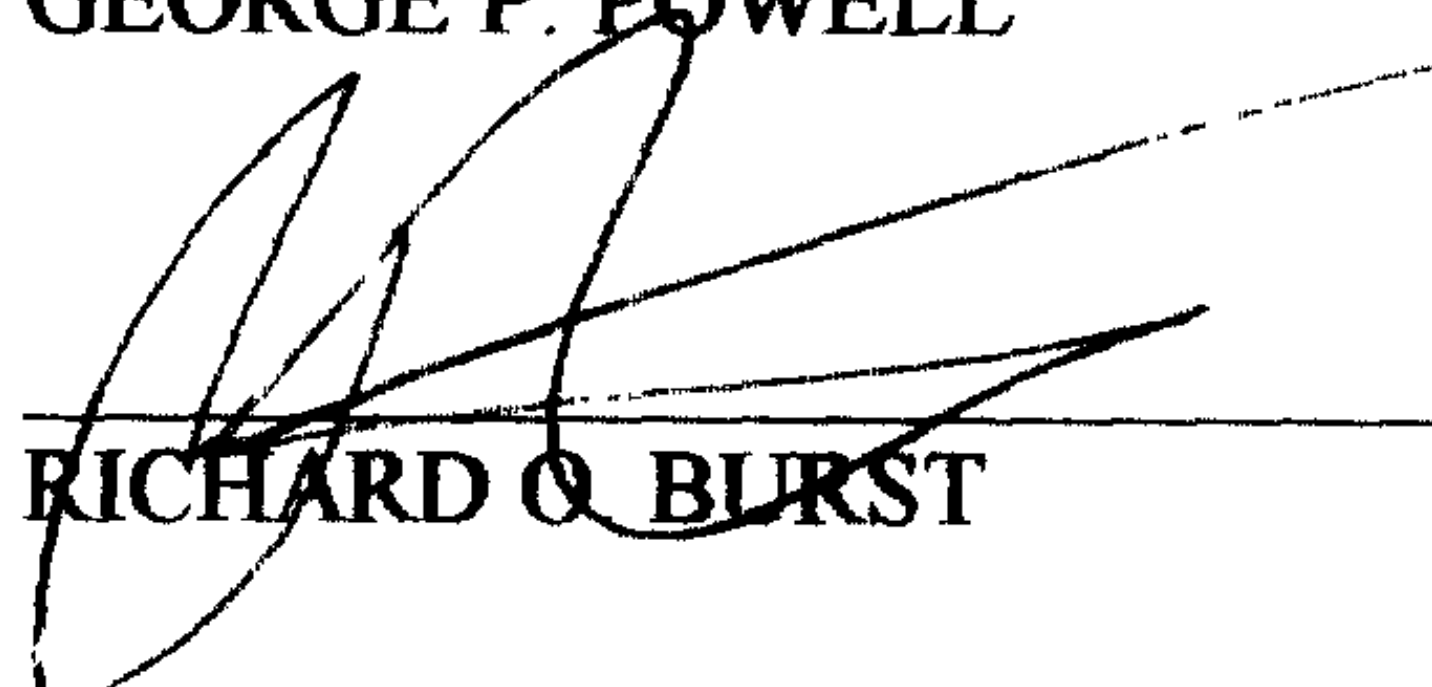
The Clerk is ORDERED to enter this JUDGMENT of record and notify the parties.

SIGNED, in Brownsville, Texas this 4TH day of OCTOBER ~~September~~, 2001.


John Wm. Black
United States Magistrate Judge

APPROVED:


GEORGE P. POWELL


RICHARD O. BURST